

**REMARKS**

Applicants' representative (the undersigned) wishes to thank Examiner Knight for the telephonic interview conducted on October 21, 2004. During that interview, Applicants' representative indicated that the September 30, 2004 Office Action appears to be in error insofar as it is not responsive to the Amendment that was filed on June 15, 2004, and Request for Continued Examination (RCE) that was filed on July 15, 2004. An Advisory Action was issued on July 26, 2004.

In regard to the Office Action dated September 30, 2004, Applicants' representative discussed with Examiner Knight the passage on page 2, paragraph 3, of the Office Action, where Examiner Hirl states that "the applicant filed an RCE with a request for extension of time but with no accompanying amendment documents." Examiner Knight concurred with Applicants' representative that this statement appears to be in error, since the RCE that was filed on July 15, 2004 specifically requested that the amendment filed on June 15, 2004 be considered.

Accordingly, and in accordance with Examiner Knight's suggestions during the October 21, 2004 telephonic interview, Applicants respectfully request:

a) that the finality of the Office Action dated September 30, 2004 be withdrawn (per MPEP 706.07(c) and/or MPEP 706.07(d)); and

b) that the claim amendments and remarks submitted in the Amendment filed on June 15, 2004 (resubmitted herewith) now be considered.

Claims 1, 3-15, 20 and 22 are pending.

Support for the amended claims is found at least on page 6, lines 4-6 and 18-25. No new matter is added. Favorable reconsideration and allowance of the claims are requested.

### **The Claimed Invention**

As discussed on pages 1-3 of the specification, it is often desirable to deliver a notification, such as a word sequence, to an intended recipient, and then obtain a confirmation that the intended recipient has indeed received and read the content of the notification. Embodiments of the present invention provide a system, method and computer-readable medium that respectively achieve at least this objective.

For example, one embodiment of the claimed invention (claim 1) is directed to confirming that a predetermined recipient of a word sequence has received and read the word sequence. The method includes storing voice characteristic data of the predetermined recipient, and receiving by the predetermined recipient a word sequence from a sender of the word sequence. The word sequence is presented to the predetermined recipient, and an audio input from the predetermined recipient is accepted in response to presenting the word sequence.

The method in accordance with this embodiment further includes determining whether the accepted audio input includes the predetermined recipient speaking the presented word sequence, and comparing voice characteristic data of the intended recipient to the accepted audio input to determine if the accepted audio input substantially matches the voice characteristic data. Then, if the accepted audio input matches the presented word sequence and substantially matches the voice characteristic data, a confirmation, indicating that the predetermined recipient has received and read the presented word sequence, is transmitted to the sender of the word sequence.

### **The Rejection Under 35 U.S.C. §101 - Claims 1 and 3-15**

As discussed above, at least one embodiment of the present invention (claim 1) is directed to a “method for confirming that a predetermined recipient of an electronically transmitted word sequence has received and read the word sequence.” Applicants submit that the claimed invention, particularly as amended, recites both a purpose and result that are useful, concrete and tangible.

The Examiner is respectfully requested to withdraw the 35 U.S.C. §101 rejection. If the Examiner refuses to withdraw the rejection under 35 U.S.C. §101, Applicants **again** request that the Examiner provide in the next correspondence an explanation of **why** the claimed invention does not provide a “useful, concrete and tangible result,” and is considered to be an “abstract methodology,” rather than merely stating so in a conclusory manner (on page 3 of the Office Action).

### **U.S. Patent No. 5,893,057 to Fujimoto et al.**

U.S. Patent No. 5,893,057 to Fujimoto et al. (Fujimoto) is directed to systems and methods for “speaker recognition” (see, e.g., Abstract, claims 1-38). In particular, Fujimoto states that “[t]he current invention is thus directed to the method and system for **recognizing a speaker based upon a voice input** over a network in a reliable and efficient manner.” (col. 2, lines 23-25, emphasis added). Fujimoto does not teach or suggest, let alone disclose, a system that indicates that a predetermined recipient has received a word sequence, let alone verify that “a predetermined recipient has received and read the word sequence.”

### **The Rejection Under 35 U.S.C. §102(b) - Claims 1, 3-15, 20 and 22**

In contrast to Fujimoto, which is not directed to or concerned with a “**predetermined recipient**,” claim 1 of the present invention recites, for example, that a “**predetermined recipient**” receives a “**word sequence** from a sender of the word sequence.” For at least these reasons, Fujimoto does not anticipate the claimed invention.

Claim 1 also recites “**accepting an audio input from the predetermined recipient in response to** presenting the word sequence.” As noted above, Fujimoto does not teach or suggest, let alone disclose, a method that pertains to a predetermined recipient, let alone a system or method that accepts “audio input from the predetermined recipient **in response to** presenting the word sequence.” Instead, Fujimoto discloses a system in which a speaker can

pronounce predetermined word(s) to verify her/his identity. (see, e.g., col. 5, lines 32-34). For at least this reason, Fujimoto does not anticipate the claimed invention.

In addition, Fujimoto does not teach or suggest, let alone disclose, a method where a predetermined recipient speaks a word sequence to both identify the recipient and indicate “that the predetermined recipient has received and read the presented word sequence,” as recited, for example, in claim 1. For at least these reasons, Fujimoto does not anticipate the claimed invention.

Dependent claims 3-15 recite allowable subject matter not only by virtue of their dependency from claim 1, but also because of additional subject matter recited. For example, Applicants note that the Examiner has misconstrued the teaching of Fujimoto with regard to claim 5 of the present invention. In particular, the Examiner takes the position that Fujimoto anticipates presenting a “word sequence to the predetermined recipient” that “includes presenting an audible representation of the word sequence.” (Page 6 of the Office Action, citing col. 5, lines 27-32 of Fujimoto). Instead, and as noted above, Fujimoto does not teach or suggest, let alone disclose, anything with regard to a “predetermined recipient”. Nor does Fujimoto teach or suggest, let alone disclose, anything with regard to a “word sequence.” The Examiner also appears to misconstrue the “standard voice characteristic information” disclosed in Fujimoto as somehow being an “audible representation” that is presented to the “predetermined recipient.” However, Fujimoto provides no such teaching. Instead, Fujimoto states that voice characteristic information is “stored” (col. 5, line 30) in information storage unit 5. (Col. 5, lines 30-31). In short, Fujimoto provides absolutely no teaching with regard to “presenting an audible representation of the word sequence” to a “predetermined recipient,” as recited in claim 5.

Applicants reserve the right, as may be necessary, to point out additional ways in which the Examiner may have misconstrued the teaching of Fujimoto with regard to the claimed invention.

Independent claims 20 and 22 have been amended in a manner similar to claim 1, and are also patentable over Fujimoto.

• Appl.No. 09/772,651  
Amdt. dated November 4, 2004  
• Reply to Office Action of September 30, 2004

It should be understood that the bold facing and/or underlining of words has been done merely for emphasis in explaining various aspects of the present invention and cited art, and is in no way meant to limit the scope of the claims.

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### **CONCLUSION**

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and must be withdrawn. Accordingly, Applicants request that the application be passed to issue.

In view of the foregoing, Applicants submit that the cited prior art does not disclose or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, that is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why each of the claims described above are distinguishable over the cited prior art.

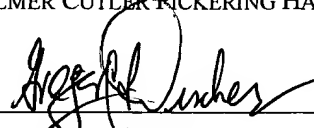
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully submitted,

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